Interview Summary

The undersigned Applicants' representative appreciates the Examiner's time and consideration in the telephone interview on April 21, 2006. During the interview, the Applicants' representative, Christopher B. Austin (Registration No. 41,592), and the Examiner, Thomas J. Brahan, discussed the claim rejections in the present Office Action. The parties discussed a proposal to amend claim 16 as set forth above. Although no agreement was reached regarding the proposed amended claim 16, the Examiner indicated that amended claim 16 may be distinguished from the prior art currently relied upon by the Examiner (see below).

REMARKS

By this Amendment, claims 16 and 36 are amended, leaving claims 17-35 and 37-40 unchanged. Claims 1-15 were canceled in an earlier Amendment.

On pages 2 and 3 of the Office Action, claims 16, 17, 20, 22, 28-32, and 36-40 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,053,693 issued to Ringdahl et al.

Claim 16 is hereby amended, and calls for:

A wheelchair lift comprising:

a platform for carrying a passenger;

a lifting mechanism secured at one end to a vehicle and at the other end to the platform adjacent to an inboard end of the platform for moving the platform between a ground level position, a transfer level position and a vertically-stowed position, wherein the lifting mechanism comprises a vertical arm secured adjacent to the inboard end of the platform, the platform pivotable about an axis on the vertical arm;

a plate pivotally connected to the inboard end of the platform and moveable between a raised barrier position and a lowered bridging position;

a first linkage extending between a location on the vertical arm of the lifting mechanism and the platform for moving the platform from the transfer level position to the vertically stowed position; and

a second linkage extending between the plate and a location on the first linkage for moving the plate between the raised barrier position and the lowered bridging position. (Amendment marks not shown).

Claim 36 is also hereby amended, and calls for:

A wheelchair lift comprising a platform for carrying a passenger, a lifting mechanism secured at one end to a vehicle for moving the platform between a ground level position, a transfer level position and a vertically-stowed position, the lifting mechanism having a vertical arm extending to and pivotably secured to the platform at an axis on the platform, a plate pivotally connected to the inboard end of the platform and movable between a raised barrier position and a lowered bridging position, a linkage extending between a location on the vertical arm of the lifting mechanism and the platform for moving the platform from the transfer level position to the vertically stowed position, and an actuator coupling the linkage and the plate for moving the plate between the raised barrier position and the lowered bridging position. (Amendment marks not shown).

As described in greater detail in the present application as originally filed, some embodiments of the present invention provide a wheelchair lift having a platform for carrying a passenger, a

pivotable plate movable between a raised barrier position and a lowered bridging position, and a lifting mechanism for moving the platform between ground level, transfer level, and vertically-stowed positions and having a vertical arm secured adjacent the inboard end of the platform or pivotably secured to the platform at an axis on the inboard end of the platform. In some embodiments, the vertical arm extends to and is pivotably secured to the platform at an axis on the platform. Also, the wheelchair lift can have an actuator coupling the linkage and the plate, or a second linkage extending between the plate and a location on the first linkage for moving the plate between the raised and barrier positions.

In contrast, and as discussed with the Examiner in the April 21, 2006 Examiner's Interview, the collapsible powered platform disclosed by Ringdahl has a toggle link 86 (compared by the Examiner to the vertical arm claimed in claims 1 and 36), and a platform 8 pivotable about an axis defined by a lower pivot shaft 98, rather than about an axis on the toggle link 86. Also, the toggle link 86 of the Ringdahl collapsible powered platform does not extend to the platform 8 at an axis on the platform 8 for pivotable connection at the axis. Furthermore, Ringdahl provides no teaching or suggestion regarding a relationship between a vertical arm, platform, and pivot axis of a wheelchair lift in which the vertical arm extends to a platform at an axis on the platform for pivotable connection at the axis. Ringdahl also fails to provide any motivation regarding why such a relationship would be desirable, nor how the Ringdahl device could be modified to have such a structural relationship between these parts while still providing a functioning device.

Accordingly, for other reasons not discussed herein, and in light of other features and elements of amended claims 1 and 36 patentably distinguishing amended claims 1 and 36 from Ringdahl, the Applicants respectfully request withdrawal of the 35 U.S.C. §102(e) rejections of claims 1 and 36.

Claims 2-23 and 26-30, and claims 37-40 are each ultimately dependent upon amended claims 1 and 36, respectively, and are allowable based upon amended claims 1 and 36, respectively, and upon other features and elements claimed in claims 2-23, 26-30, and 37-40 but not discussed herein. Withdrawal of the 35 U.S.C. §102(e) rejections of claims 2-23, 26-30, and 37-40 is therefore respectfully requested.

Claim 31 calls for:

A wheelchair lift comprising:
a platform for carrying a passenger;
a lifting mechanism secured at one end to a vehicle and at the other end to the platform adjacent to an inboard end of the platform for moving the platform between a ground level position, a transfer level position and a vertically-stowed position, wherein the lifting mechanism comprises a vertical arm secured adjacent to the inboard end of the platform;
a plate pivotally connected to the inboard end of the platform and moveable between a raised barrier position and a lowered bridging position; and
a linkage coupled to the plate for moving the plate between the raised barrier position and the lowered bridging position, the linkage extending between a location on the vertical arm of the lifting mechanism and the platform for moving the platform from the transfer level position to the vertically-stowed position, wherein the linkage comprises a telescoping member.

As described in greater detail in the present application as originally filed, some embodiments of the present invention provide a wheelchair lift having a platform for carrying a passenger, a lifting mechanism for moving the platform between ground level, transfer level, and vertically-stowed positions and having a vertical arm secured adjacent the inboard end of the platform, and a pivotable plate movable by a linkage between raised barrier and lowered bridging positions, wherein the linkage has a telescoping member and extends between a location on the vertical arm and the platform for moving the platform.

In contrast, the collapsible powered platform disclosed by Ringdahl has a toggle link 86 (compared by the Examiner to the vertical arm claimed in claim 31), a platform 8 pivotable about a lower pivot shaft 98 by a pair of link arms 100A, 100B actuated by a lower pivot arm 84, and a barrier 16 pushed by a cable 131 to lower the barrier 16 to an "open" position. Ringdahl fails to teach or describe any telescoping parts as claimed in claim 31, nor has the Examiner identified or discussed such parts in the Office Action. Also, Ringdahl provides no motivation regarding why a linkage having a telescoping member would be desirable, nor how the Ringdahl device could be modified to have such a member while still providing a functioning device. Furthermore, the Examiner has identified allowable subject matter relating to a telescoping member in claims 24, 25, and 33-35, but has not distinguished between the allowability of claims 24, 25, and 33-35 and that of claim 31.

Accordingly, for other reasons not discussed herein, and in light of other features and elements of claim 31 patentably distinguishing claim 31 from Ringdahl, the Applicants respectfully request withdrawal of the 35 U.S.C. §102(e) rejection of claim 31.

Claim 32 is dependent upon claim 31, and is allowable based upon claim 31 and upon other features and elements claimed in claim 32 but not discussed herein. Withdrawal of the 35 U.S.C. §102(e) rejection of claim 32 is therefore respectfully requested.

In view of the above amendments and remarks, the Applicants respectfully submit that the claims are patentably distinct over the prior art, that all the rejections to the claims have been overcome, and that the application is in condition for allowance. Entry of this Amendment is therefore requested. If any issues remain outstanding upon entry of this Amendment, the Examiner is respectfully requested to telephone the undersigned Applicants' Representative at (414) 225-8266.

Respectfully submitted,

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